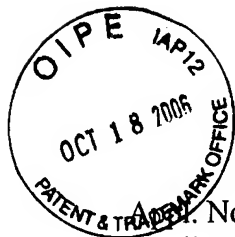


OCT 19 2006

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.: 10/782,570 Confirmation No.: 5780
Applicant(s): Carozzi et al.
Filed: February 19, 2004
Art Unit: 1638
Examiner: Anne R. Kubelik
Title: AXMI-007, A DELTA-ENDOTOXIN GENE AND METHODS FOR ITS USE

Docket No.: 045600/274144
Customer No.: 00826

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 43.31)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated July 18, 2006, rejecting the following Claims 1-11, 19, 22 and 23. The fee for this Notice of Appeal under 37 CFR § 41.20(b)(1) is enclosed.

- ☒ Applicant claims small entity Status.
- ☒ A check in the amount of \$250 is enclosed.
(\$500.00 for large entity fee or \$250.00 if small entity status)
- ☒ Any additional fee or refund may be charged to our
Deposit Account No. 16-0605.

Respectfully submitted,

W. Murray Spruill
Registration No. 32,943

<p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>CERTIFICATE OF EXPRESS MAILING "Express Mail" mailing label number EV913518164US Date of Deposit October 18, 2006 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Nora C. Martinez</p>
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